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PTO/SB/21 (08-00)

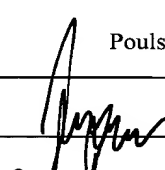
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/655,262	
	Filing Date	09/05/2000	
	First Named Inventor	L. Pernille Olesen	
	Group Art Unit	1661	
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Return receipt postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Poulsen Roser ApS
Signature	
Date	24. January 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1/24/2003	
Typed or printed name	Thomas J. Schuetz
Signature	
Date	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Art Unit 1649

L. Pernille Olesen and Mogens N. Olesen

Serial #: 09/655,262

Date filed: 5 September, 2000

Title: MINIATURE ROSE VARIETY 'POULmist'

Date: 24 January, 2003

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STATUS INQUIRY

The Applicants respectfully submit this Status Inquiry to discover the current status of a Petition to Revive filed in the matter of Plant Patent application 09/655,262, dated 5 September, 2000.

To summarize the events leading to the abandonment of the variety by the USPTO:

Upon receiving the office communication dated 11/20/2000, the Applicants spoke with Ms. Dolora Dillard of the USPTO. This conversation is reflected in the attached conversation log.

The Office Communication indicated that the Applicant had failed to supply an "oath or declaration". The Applicant related to Ms. Dillard that according to the photocopy of the submitted application, a declaration had indeed been submitted.

Ms. Dillard, who indicated that she had a copy of the application in front of her, *agreed that she could plainly see* the submitted declaration.

The Applicant then asked if there was anything further required in order to resolve the issue raised in the Notice of Missing Parts. Ms. Dillard responded that nothing further was required of the Applicant in this matter.

For that reason, the Applicant respectfully submits that the delay in responding to the Notice of Missing Parts dated 5 August, 2002 was unavoidable, in that the Applicant was unaware that any further response was required.

On 12 August, 2002, the Applicants received a 'Notice of Abandonment Under 37 CFR 1.53 (f) or (g)' in reference to the above-identified application, for "failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/20/2000."

On 9 September, 2002, the Applicants submitted a 'Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)', a copy of which is attached.

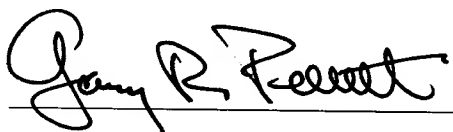
Since that time, the Applicants have inquired as to the status of the Petition to Revive via telephone, as

summarized below:

- 28 October, 2002: Conversation with the USPTO Office of Petitions: they confirmed that they had received the petition, and could only say that it will take 2 to 4 months for the decision to be made on it.
- 9 December, 2002: Conversation with the USPTO Office of Petitions: they confirmed that they had received the petition, and could only say that it will take 2 to 4 months for the decision to be made on it.
- 3 January, 2003: Conversation with the USPTO Office of Petitions: they confirmed that they had received the petition, and could only say that it will take 2 to 4 months for the decision to be made on it.
- 14 January, 2003: Conversation with Huyen Le of the USPTO Office of Petitions: they confirmed that they had received the petition, and could only say that it will take 2 to 4 months for the decision to be made on it.

For reference, the Applicants attach a photocopy of the plant patent application and declaration made for the invention.

Respectfully submitted,

A handwritten signature in black ink, reading "Gary R. Pellett", written over a horizontal line.

Gary R. Pellett
Vice President, Poulsen Roser Pacific, Inc.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/655,262	09/05/2000	L. Pernille Olesen	

Poulsen Roger ApS
2550 Old Military Road
Central Point, OR 97502

Circulation			
AUG 12 2002			
Processed by	To Copy	Forwarded to	Filed

CONFIRMATION NO. 8025

ABANDONMENT/TERMINATION
LETTER

OC00000008570540

Date Mailed: 08/05/2002

Noted on IP Calendar
PO ✓

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/20/2000.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

- ✓ Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).
- ✓ Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice **MUST** be returned with the reply.

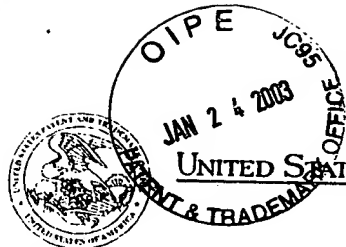
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/655,262	09/05/2000	L. Pernille Olesen	

Poulsen Roger ApS
2550 Old Military Road
Central Point, OR 97502

CONFIRMATION NO. 8025

ABANDONMENT/TERMINATION
LETTER

OC00000008570540

Date Mailed: 08/05/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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